

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 2171 - SB 2421**

March 7, 2022

**SUMMARY OF BILL AS AMENDED (015056):** Makes various changes to the reporting requirements of the Controlled Substance Monitoring Database (CSMD).

Requires reporting of a drug administered directly to a patient or by any entity registered by the U.S. Drug Enforcement Administration (DEA) as a narcotic treatment program and subject to the record keeping provisions of the 21 CFR 1304.24, relative to records for maintenance treatment programs, mobile narcotic treatment programs, and detoxification treatment programs.

Requires reporting to the CSMD of any drug dispensed by a facility in which the quantity dispensed or distributed is limited to an amount that is adequate to treat the patient for a maximum of 48 hours.

Requires any healthcare practitioner whose practice is a Part 2 program to report any dispensing of controlled substances. Such requirement will be enforced upon the Commissioner of the Department of Health (DOH) promulgating rules regulating the reporting of such dispensing and access to the reported information that complies with the confidentiality provisions of 42 CFR Part 2.

Specifies that the Controlled Substance Monitoring Database Committee's (Committee) or Commissioner of the DOH's review of 42 CFR Part 2 information in the database is subject to the privacy protections of 42 CFR Part 2. Removes current Committee or DHS's notification requirements to an entity that has committed a violation and their request for information as precursor to an investigation into said violation.

Requires the DOH, in consultation with the Committee, to effectively enforce rules that ensure compliance with 42 CFR Part 2 regarding information reported to the database by a Part 2 program.

Further establishes confidentiality of information and record requirements of any patient's medical records which contains Part 2 information from the database.

**FISCAL IMPACT OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

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Assumptions for the bill as amended:

- Based on information provided by the DOH, this legislation will have no significant impact on the Department, but rather, would: expand other various reporting requirements, expand the ability of the Commissioner of DOH to share CSMD data and information with other governmental entities, and ensure compliance with federal privacy and confidentiality laws regarding Part 2 programs.
- This legislation is estimated to have no significant fiscal impact on state or local government.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jb